



THE GRADUATE AND PROFESSIONAL
STUDENT FEDERATION

RESOLUTION 51-032

A RESOLUTION TO: CONDEMN THE DEMONSTRATION OF ENDURING WHITE SUPREMACIST INSTITUTIONAL POWER AT THE U.S. CAPITOL ON THE SIXTH DAY OF JANUARY IN THE YEAR TWO THOUSAND AND TWENTY-ONE; CONDEMN THE ENTIRE LEGACY OF THE UNIVERSITY OF NORTH CAROLINA AND ITS SCHOOL OF LAW FROM THE TIME OF THE INSTITUTION’S INCEPTION UNTIL ARRIVAL OF THE CONCLUSION OF THE LAWFUL EROSION OF THE RULE OF LAW HALLMARKING THE LEGACY OF PRESIDENT DONALD J. TRUMP’S 45TH ADMINISTRATION OF THE UNITED STATES OF AMERICA.

08 JAN 2021	INTRODUCED BY ZACHARY BOYCE, GPSF SENATOR OF LAW
08 JAN 2021	REFERRED TO GPSF RESOLUTIONS DEVELOPMENT COMMITTEE
12 JAN 2021	PASSED 2-1-1 (yes-no-abstain) BY RESOLUTIONS DEVELOPMENT COMMITTEE; REFERRED TO GPSF SENATE
12 JAN 2021	PASSED 44-6-6 (yes-no-abstain) BY GPSF SENATE

WHEREAS, The Student Body Constitution empowers the legislative bodies of student governance to pass all legislation “necessary and proper to promote the general welfare of the student body” (Article IV, Section 8);

WHEREAS, The Code of the University of North Carolina Board of Governors guarantees equal protection and nondiscrimination “against any person on the basis of race, color, religion, sex, sexual orientation, gender identity, national origin, age, disability, genetic information, or veteran status” (The Code of the University of North Carolina Board of Governors, Section 103);

WHEREAS, The current policies maintained by the individual professional schools, The Graduate School, and the University of North Carolina as a whole do not appropriately address the needs of graduate and professional students;

WHEREAS, The 51st session of the GPSF at UNC stands in complete solidarity with the continuing Black Lives Matter movement as well as recognizes the need for public accountability in prioritizing affirmative restorative justice measures aimed at re-enfranchising Indigenous sovereignty; moreover, in the spirit of increasing equitable access to the full protection of the rule of law, the GPSF stands in solidarity with the movement for self-determination for the Indigenous populations of the U.S. colony of Puerto Rico, and other territories persistently subjected to the unpopular sovereignty of colonial-settler governments throughout the global south; the GPSF henceforth promotes the need for an evidence-based global policy agenda for pan-African liberation of the global diaspora from any and

all persisting systemic and structural chains of oppression realized by the institutions of any nation state that stem from greater western society's inevitably reprehensible history of nationalism, militarism, imperialism that implemented colonization yielding legal ratification of Eurocentric hegemony;

WHEREAS, The University of North Carolina School of Law opened in 1845 after it was built by lawfully enslaved Africans on land stolen from Indigenous nations and "examining the emergence of whiteness as property [unveils] the evolution of whiteness from color to race to status to property as a progression historically rooted in white supremacy and economic hegemony over Black and Native American peoples," Cheryl I. Harris, Whiteness As Property, 106 Harv. L. Rev. 1709 (1993) pg. 1714;

WHEREAS, "The origins of whiteness as property lie in the parallel systems of domination of Black and Native American peoples out of which were created racially contingent forms of property and property rights. [W]hiteness shares the critical characteristics of property "even as the meaning of property has changed over time. In particular, whiteness and property share a common premise - a conceptual nucleus - of a right to exclude. This conceptual nucleus has proven to be a powerful center around which whiteness as property has taken shape. Following the period of slavery and conquest, white identity became the basis of racialized privilege that was ratified and legitimated in law as a type of status property. After legalized segregation was overturned, whiteness as property evolved into a more modern form through the law's ratification of the settled expectations of relative white privilege as a legitimate and natural baseline." Cheryl I. Harris, Whiteness As Property, 106 Harv. L. Rev. 1709 (1993) pg. 1714;

WHEREAS, Black students were not admitted to UNC School of Law until 1951 when sweeping Jim Crow social norms began; this time parallels when an increased reliance on the LSAT exam scores manifested and mitigated the rate of integration amongst the most established law schools in the nation;

WHEREAS, Without equal representation in legal education, the rule of law may not be equally representative of, nor equitably accessible to the broadest range of humanity;

WHEREAS, "The performance of minority students viewed as a group tends to improve significantly vis-à-vis that of their Caucasian counterparts over the course of the J.D. program. . . . The LSAT, which forecasts overall poorer performance by minority students, becomes less and less valid for this group. The net result is that earlier research based solely on first-year statistics may seriously underplay the weakness of the LSAT as a predictor of minority student performance."
William C. Kidder, Does the Lsat Mirror or Magnify Racial and Ethnic Differences in Educational Attainment?: A Study of Equally Achieving "Elite" College Students, 89 Cal. L. Rev. 1055, 1102 (2001);

WHEREAS, "Selection criteria that more heavily weigh LSAT scores will have a disproportionately adverse impact on students of color, and African Americans in particular, because there are greater ethnic differences on the LSAT than in college grades. Similarly, using first-year predictive validity results to justify placing greater weight on the LSAT (versus UGPA) can create a gender bias favoring male candidates, since women have slightly lower average scores on the LSAT and somewhat higher UGPAs"

William C. Kidder, Does the Lsat Mirror or Magnify Racial and Ethnic Differences in Educational Attainment?: A Study of Equally Achieving "Elite" College Students, 89 Cal. L. Rev. 1055, 1103 (2001);

WHEREAS, the GPSF Senate has previously called on The Graduate School to remove the GRE requirement, several graduate programs in the College of Arts and Sciences, the Gillings School of Public Health, and the School of Social Work have set a precedent by removing the GRE component because it represents a systemic barrier that limits equitable learning outcomes, the Graduate School will not require the GRE by default within the next two years, and many law schools across the country have eliminated the LSAT requirement because of its disproportionately adverse impact on students of color including Columbia, Georgetown, Northwestern, and Harvard;

WHEREAS, “When psychometricians employ the regression model of test fairness, they are unavoidably adopting a static “black box” approach to validity.²²⁸ Within this framework there is no way to make allowances for the fact that the criterion variable of FYAs can be contaminated by institutional racism. There is a substantial body of literature documenting that various forms of subordination in legal education disproportionately work to the detriment of ‘outsiders’ in law school.”
William C. Kidder, Does the Lsat Mirror or Magnify Racial and Ethnic Differences in Educational Attainment?: A Study of Equally Achieving "Elite" College Students, 89 Cal. L. Rev. 1055, 1104 (2001);

WHEREAS, “In general, [s]tudents perceive the first-year classroom as a hierarchical environment in which their contributions must fit within the professor's agenda. Although students may arrive with diverse experiences and viewpoints, they all must learn to “toe the party line,” a process that some find “intellectually stunting.” Those students of color who take seriously the notion that their perspectives should be included see themselves in an uphill fight to challenge the status quo. Some believe that they must struggle not only against the professor's unquestioned authority, but also against their classmates' discomfort and anxiety in addressing racial issues.”
William C. Kidder, Does the Lsat Mirror or Magnify Racial and Ethnic Differences in Educational Attainment?: A Study of Equally Achieving "Elite" College Students, 89 Cal. L. Rev. 1055, 1105 (2001);

WHEREAS, Throughout the United States, racial relations have increasingly festered and instances of racially motivated violence inflicted by white supremacists steadily increased with routine encouragement from the 45th commander-in-chief;

WHEREAS, “[B]efore law schools adopted affirmative action programs in the late 1960s, law schools and the legal profession were overwhelmingly de facto segregated. [Research demonstrates that] even with the tool of affirmative action, [w]hite students have consistently had higher admissions rates than students of color since the mid-1970s.”
William C. Kidder, The Struggle for Access from Sweatt to Grutter: A History of African American, Latino, and American Indian Law School Admissions, 1950-2000, 19 Harv. BlackLetter L.J. 1 (2003) pg. 2;

WHEREAS, UNC School of Law shut down campus in recognition of the danger for the COVID-19 pandemic to spread amongst an in the spring of 2020;

WHEREAS, The UNC system proceeded to re-open campus and ignore public-health warnings effectively diminishing the welfare of the graduate and professional community, and more broadly putting the entire Carolina community in danger of contracting and spreading a deadly pandemic virus;

WHEREAS, Last week the Centers for Disease Control and Prevention reported American fatalities resulting from COVID-19 at 371,084 with 3,432 new deaths a day;

WHEREAS, Circumstances around the federal government’s unwillingness to mitigate the spread of the COVID-19 pandemic have exacerbated historically persistent social inequities stemming from slavery and further inhibited equitable learning outcomes;

WHEREAS, “[R]ecent national admissions data are [R]consistent with the conclusion that student activism can have a positive influence on admissions rates. Conversely, affirmative action bans and threats of litigation are associated with a widening of the gap in admissions rates in recent years between Whites and students of color nationwide.” William C. Kidder, The Struggle for Access from Sweatt to Grutter: A History of African American, Latino, and American Indian Law School Admissions, 1950-2000, 19 Harv. BlackLetter L.J. 1 (2003) pg. 3;

WHEREAS, The University has not released a formal statement since January 6th about the events at the U.S. Capitol, let alone offering support for the University community related to the events, despite recently reiterating claims to value student diversity and despite choosing to send other University communications about opening campus during a deadly pandemic;

THEREFORE, BE IT RESOLVED THAT THE SENATE OF THE GRADUATE AND PROFESSIONAL STUDENT FEDERATION vehemently endorses this resolution and any subsequent support of its contentions from any national allies and public officials whom of which are committed to advocacy for re-structuring public education institutions to implement a critically decolonial curriculum enriched with the requisite heterogeneity of lived experience required to attain the standard of pedagogical excellence of our community’s aspirations;

BE IT FURTHER RESOLVED BY THE SENATE OF THE GRADUATE AND PROFESSIONAL STUDENT FEDERATION that the following letter, found in Appendix A, advocating for equitable policies and explicitly condemning the pedagogical legacy of the University of North Carolina and especially that of its School of Law, in support of all graduate and professional students and the rule of law, be sent to the following people:

- 1) Kevin Guskiewicz, Chancellor,
- 2) Robert Blouin, Executive Vice Chancellor and Provost,
- 3) Suzanne Barbour, Dean of the Graduate School,
- 4) Stephanie Schmitt, Associate Dean for Academics,
- 5) Jennifer Gerz-Escandon, Associate Dean for Interdisciplinary Education and Fellowship Programs,
- 6) Amy Johnson, Vice Chancellor for Student Affairs,
- 7) Jonathan Sauls, Associate Vice Chancellor for Student Affairs,
- 8) Christopher Payne, Associate Vice Chancellor for Student Affairs,
- 9) Bettina Shufford, Associate Vice Chancellor for Student Affairs,
- 10) Desiree Rieckenberg, Dean of Students,

- 11) Terry Rhodes, Dean of the College of Arts and Science,
- 12) Wesley A. Burkes, Dean of the UNC School of Medicine,
- 13) Scott A. Rossi, Dean of the Adams School of Dentistry,
- 14) Michael R. Smith, Dean of the School of Government,
- 15) Martin H. Brinkley, Dean of the School of Law,
- 16) Fouad Abd-El-Khalick, Dean of the School of Education,
- 17) Barbara K. Rimer, Dean of the Gillings School of Public Health,
- 18) Douglas Shackelford, Dean of the Kenan-Flagler Business School,
- 19) Angela Kashuba, Dean of the Eshelman School of Pharmacy,
- 20) Susan King, Dean of the Hussman School of Journalism and Media,
- 21) Nilda Peragallo Montano, Dean of the School of Nursing,
- 22) Gary Marchionini, Dean of the School of Information and Library Science,
- 23) Gary Bowen, Dean of the School of Social Work,
- 24) Mimi Chapman, UNC Faculty Governance Chair,
- 25) Kenneth G. Smith, Chair of the Graduate Education Advancement Board,
- 26) The office of Governor Roy Cooper,
- 27) The office of N.C. Representative David Price,
- 28) The Black Law Student Association (BLSA),
- 29) The National Lawyers Guild (NLG),
- 30) The office of the NAACP,
- 31) The office of Stacey Y. Abrams,
- 32) The national American Civil Liberties Union
- 33) The American Civil Liberties Union, North Carolina branch
- 34) Dr. Cornell R. West Ph.D., Honorary Chair of the Democratic Socialists of America
- 35) Carrie Godwin Clifford, Director of Alumni & Donor Relations at the UNC School of Law
- 36) Anyone else deemed necessary and proper;

BE IT FURTHER RESOLVED BY THE SENATE OF THE GRADUATE AND PROFESSIONAL STUDENT FEDERATION that the resolution shall be forwarded to the Joint Governance Council for consideration as Joint Legislation;

Done this day, the twelfth of January in the year two thousand and twenty-one.



Kathleen L. Furtado
Vice President

Appendix A.

To Whom It May Concern:

We, the elected members of the 51st Senate session of the Graduate and Professional Student Federation (GPSF) at the University of North Carolina at Chapel Hill, write this letter to condemn the white supremacist mob's demonstration of their conservative institutional power at the U.S. Capitol in Washington D.C. on the sixth day of January in the year 2021. Moreover, we legislators so tasked with promoting the welfare of all graduate and professional student learning outcomes do wholly condemn the entire pedagogical legacy of the University of North Carolina—and especially its School of Law—for the direct line of culpability that the university harbors, via racialized structural and systemic barriers compounded with antiquated racially neutral curriculums, for the violent events surrounding the white supremacist mob demonstration at the U.S. Capitol as evidenced by the fact that six out of seven North Carolina state representatives that used their elected leadership platforms to erode the rule of law by publicly invalidating the results of the 46th presidential election received higher-education degrees in our state's public university system.

Within our learning institution, we recognize a unique responsibility held by the School of Law to equip forthcoming Doctors of Jurisprudence with critical tools of legal reasoning that do not surpass the virtues of democracy and inclusion. As evidenced by the professional culture of legal discourse within President Donald J. Trump's Department of Justice that enabled the lawful erosion of social progress and the rule of law, we compel the greater Carolina Law alumni network to demand UNC School of Law publicly declare accountability for complicity in the historical monopolization of moral authority and tools of legal reasoning institutionally preserving white supremacy without any mandatory curriculum that is fully integrated with critical race theory that continues to enable Eurocentric hegemony via constitutionally ratified white supremacy.

Further, we auspiciously condemn any current and future institutional policies within UNC School of Law, and all of society's legal institutions, that perpetuate historical social inequities including but not limited to a mandatory reliance on effectively exclusionary standardized testing requirements at every level within the law school starting with the admission's process LSAT requirement, continuing with the issuance of grades to law students, and ultimately the imposition of the state bar exam; the GPSF implores UNC School of Law to immediately and permanently suspend such systemic barriers that have limited equitable learning outcomes and by reinforcing white supremacist institutional dominance continue to tarnish the legacy of pedagogical excellence to which the greater Carolina community continues to aspire.

Concurrently, the GPSF entirely condemns UNC's Board of Governors, Board of Trustees, Chancellor Guskiewicz, Dean Martin Brinkley and the administration of the School of Law, as well as all others in prominent institutional leadership positions that publicly feigned ignorance in pursuit of profit by ignoring months of ardent warnings and prudential pleas from public-health experts and officials urging universities to exclusively offer remote learning for the fall semester of 2020. Recognizing the potential for any pandemic to disproportionately impact the historically disenfranchised among us, the GPSF critically condemns UNC and the aforementioned institutional leaders for complicity in re-opening the campus during the ongoing pandemic and effectively furthering the spread of the novel coronavirus (e.g., SARS-CoV-2) and COVID-19 (the disease caused by the coronavirus) which disproportionately harms and ends the lives of people of color and contributes to a history of using treatment of disease as a tool of oppression.

In light of the whiteness leading to the violence at the U.S. Capitol and the subsequent unbridled exceptionalism demonstrated on behalf of our institution's persistently white leaders, of whom would rather use their platforms to distinguish their own whiteness from that of the same white privilege emboldening each violent pro-Trump demonstrator, the 51st session of the GPSF at UNC will no longer accept, nor advance, the shameful pedagogical legacy of hypocrisy belonging to the oldest public university in the nation. Whereas UNC was built by slaves on stolen Indigenous land, and because the university harbors a continuing contemporary practice of depriving the descendants of the enslaved from attaining equitable access to free public college education as guaranteed in the written constitution of the state of North Carolina, the GPSF recognizes the entire legacy of the institution to be stained with the blood of Indigenous genocide and African chattel slavery. Moreover, we respectfully respond to Dean Brinkley in the School of Law, who on the evening of the white supremacist mob demonstration in D.C. himself declared via an email that was sent to the entire law community at UNC that he was as "dumbfounded" as he was sure as the rest of us were to be while watching the mob's violent events unfold. Critically, we find this take to be revealingly unpalatable given North Carolina's own historical claim to the last white supremacist coup d'état that successfully usurped an established local government by massacring black citizens and violently prompting a black exodus that effectively reduced the population of registered black voters by over 100,000 citizens in Wilmington, North Carolina. As a general praxis going forward, the GPSF would recommend to any and all leaders within our institution considering themselves to be "dumbfounded" in observance of the violence of today's social and political discourse, indicate ignorance to the country's history. Consequently, affecting the rigor of pedagogy of UNC. We would encourage these individuals to identify a minimum of three credentialed black/indigenous women to recommend as one's job replacement that understand the country's history and can contribute to the pedagogical rigor of our institution.

The GPSF maintains that in guarding the rule of law itself, our School of Law has neglected an implicit moral and reasonable obligation to lead and enable all of society's institutions in expanding equitable access to the fullest protection of the rule of law. Therefore, in pursuit of attaining the diversity of perspective required to achieve the highest level of pedagogical excellence that our community aspires to as dictated in the mission of our higher-education institution, we affirm the inalienable human rights of all students and faculty to protest any historical and contemporary social injustices perpetuated by an institution's unreasonable proclivity for traditional systemic mechanisms in lieu of affirmative action towards progress; specifically as this pertains to UNC School of Law, and in support of the global movement for the expedited re-enfranchisement of black and indigenous populations, we compel all law students and faculty at UNC, and throughout the United States, to immediately exercise the right to boycott all final examinations until the LSAT requirement in the admission's process is absolved, the mandatory grading-curve policy is permanently abolished, a policy for rewarding diploma-privilege for licensure to practice is institutionalized, and a Juris Doctor curriculum that fully integrates a decolonial perspective with analytical tools of critical race theory is prioritized by the administration and realized. The time for re-enfranchisement of the First Nations peoples and descendants of slaves is now. In addition, unlike many of our peer institutions, the University administration has not released a formal statement about the events at the U.S. Capitol. The University's silence and inaction during this reprehensible event acts in a complicit manner, upholding a legacy of white supremacist violence. We implore the University to reinforce its commitment to the values of diversity and to supporting students and the broader University community, including in its communications and concrete actions moving forward.

This is the official stance taken by the 51st Senate session of the Graduate and Professional Student Federation at the University of North Carolina at Chapel Hill in acknowledgement of the foundational

culpability of UNC's pedagogical legacy perpetuating the violence of colonialism from the time UNC was built lawfully extorting enslaved Africans' labor up until the violent events that unfolded at the U.S. Capitol on the sixth day of January in the year 2021. We affirm that healing our society, reinstating global respect for the rule of law, and immediately restructuring systems and institutions to provide restorative justice may only sincerely commence henceforth with affirmative action(s) prioritizing a critical overhaul of the curriculum given inside institutions of higher education where the tools of legal analysis and reasoning effectively preserve an odious legacy of white supremacy.

Urgently,

The Graduate and Professional Student Federation Senate
University of North Carolina at Chapel Hill